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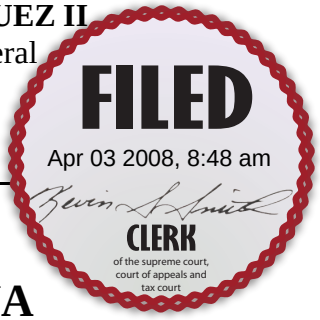

IN THE COURT OF APPEALS OF INDIANA

SAMMY DAVIS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A05-0709-CR-550
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Tanya Walton-Pratt, Judge
Cause No. 49G01-0701-FB-11306

April 3, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Sammy Davis challenges the sufficiency of the evidence supporting his conviction for aggravated battery, a class B felony. We affirm.

The facts most favorable to the judgment indicate that on January 20, 2007, Davis was cohabiting with Millette Grady. At 10:00 a.m., Grady phoned Davis at work and accused him of taking sixty dollars from her wallet. She demanded that he return the money, but he denied taking it. At home that evening, Millette informed Davis that she was leaving him. Davis left the bedroom, returned with a claw hammer, and said, "[Y]ou gonna die today bitch. Die bitch, die." Tr. at 31. He struck Grady on the head with the claw of the hammer, punched her, choked her, and dragged her around the house. He continued to threaten her, and she pleaded for her life. She asked him to take her to the hospital, and he agreed. When the couple arrived at the hospital, Davis told Grady not to go inside. He said, "[T]hey not gonna get me for attempted murder. I'm not going to jail for no bitch." *Id*. at 41. Grady opened the door and rolled out of the car. She called for help, and two nurses took her into the hospital. Grady suffered frontal and right temporal skull fractures and was treated with stitches and staples.

The State charged Davis with class B felony aggravated battery, class C felony battery with a deadly weapon, class D felony strangulation, and class D felony confinement. After a bifurcated bench trial, in June 2007, the trial court found Davis guilty of aggravated battery and battery with a deadly weapon and acquitted him on the remaining charges. The trial court merged the two battery convictions and sentenced him to sixteen years. This appeal ensued.

Davis contends that the State failed to prove he committed class B felony aggravated

battery.

> When examining the sufficiency of evidence, we neither reweigh the evidence nor resolve questions of credibility. Rather, we consider only the evidence most favorable to the judgment together with all reasonable inferences to be drawn from that evidence. We affirm if there is substantial evidence of probative value from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt.

Purvis v. State, 829 N.E.2d 572, 587 (Ind. Ct. App. 2005) (citations omitted) *trans. denied, cert denied*. "The uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal." *Gleaves v. State*, 859 N.E.2d 766, 769 (Ind. Ct. App. 2007).

Davis alleges that the evidence failed to show that Grady's injuries were sufficiently severe to support his conviction for aggravated battery.[1] Indiana Code Section 35-42-2-1.5 provides, "A person who knowingly or intentionally inflicts injury on a person that creates a substantial risk of death *or* causes: (1) serious permanent disfigurement; (2) protracted loss or impairment of the function of a bodily member or organ; or (3) the loss of a fetus; commits aggravated battery, a class B felony." (Emphasis added.) The evidence and inferences most favorable to the judgment indicate that Davis struck Grady in the head with a claw hammer and fractured her skull. This evidence is sufficient to support a determination that Davis knowingly inflicted injury on Grady that created a substantial risk of death. Davis's arguments to the contrary are merely invitations to reweigh the evidence and resolve questions of credibility in his favor, which we may not do.

Affirmed.

[1] Davis fails to cite any authority to support his argument that expert testimony was required to establish this.

BARNES, J., and BRADFORD, J., concur.